

A N  
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For prevention of  
FRAUDS and PERJURIES.

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FRANCIS J. JONES



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An Act for prevention of Frauds and Perjuries.

CHAP. XII.

**F**OR Prevention of many Fraudulent Practices Which are Commonly Endeavoured to be upheld by Perjury and Subornation of Perjury.

Be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Feast Day of the Nativity of St. John Baptist, which shall be in the Year of Our Lord, One Thousand, Six Hundred, Ninety Six, all Leases, Estates, Interests, Freeholds or Terms of Years, or any uncertain Interest of, into, or out of Messuages, Mannours, Lands, Tenements or Hereditaments made and Created by Libery of Seizen only, or by Parole, and not put in Writing, and Signed by the Parties so making and Creating the same, or their Agents thereunto Lawfully Authorized, by Writing, shall have the Force and Effect of Leases and Estates at Will only; And shall not either in Law or Equity be Deemed or Taken to have any other or greater Force and Effect, any Consideration for making such Parole, Leases or Estates, or any former Law or Usage to the Contrary Notwithstanding: Except Nevertheless all Leases not Exceeding the Term of three Years from the making thereof, whereupon the Rent Reserved to the Landlord, during such Term, shall amount unto two third parts, at the least, of the full



Improved value of the thing Demised.

And moreover that no Estates, Leases or Interests, either of Freehold or Term of Years, or any uncertain Interest not being Copyhold or Customary Interest, of, into, or out of any Mesuages, Lands, Tenements, or Hereditaments, shall at any time after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand, six hundred, ninety and six, be Assigned, Granted, or Surrendered, unless it be by Deed, or Note in Writing, Signed by the parties so Assigning, Granting, or Surrendring the same, or their Agents thereunto Lawfully Authorized by Writing, or by Act and Operation of Law.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast day of the Nativity of St. John the Baptist, which shall be in the said Year of our Lord, One thousand, six hundred and ninety six, no Action shall be brought whereby to charge any Executor or Administrator upon any Special Promise, to answer Damages out of his own Estate, or whereby to charge the Defendant upon any Special Promise to answer for the Debt, Default, or Discharge of another person, or to charge any person upon any Agreement made upon Consideration of Marriage, or upon any Contract or Sale of Lands, Tenements, or Hereditaments, or any Interest in, or concerning them, or upon any Agreement that is not to be performed within the space of one Year from the making thereof, unless the Agreement upon which such Action shall be brought, or some Memorandum, or Note thereof shall be in Writing, and Signed by the party to be charged therewith, or some other

other person thereunto by him Lawfully Authorized.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast day of the Nativity of St. John the Baptist, which shall be in the said Year of our Lord, One thousand, six hundred, ninety and six, all Devises and Requests of any Lands, Tenements, or Hereditaments, Devisable, either by force of the Statute of Wills, or by this Statute, or by force of the Custom of any Burrough, or any other particular Custom, shall be in Writing, and Signed by the party so Devising the same, or by some other person in his presence, and by his express Directions, and shall be Attested and Subscribed in the presence of the said Devisor, by three or more Credible Witnesses, or else they shall be utterly void and of none Effect.

And moreover no Devise in Writing of any Lands, Tenements or Hereditaments, that at any time after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six Hundred, Ninety and Six, be Revocable, otherwise then by some other Will or Codicill in Writing, or other Writing Declaring the same, or by Burning, Cancelling, Tearing or Obliterating the same by the Testator himself, or in his presence, and by his Directions and Consent; but all Devises and Requests of Lands and Tenements shall Remain and Continue in Force untill the same be Burnt, Cancelled, Torn or Obliterated by the Testator, or his Directions in manner aforesaid; or unless the same be Altered by some other Will or Codicill in Writing, or other Writing of the Devisors,



visors, Signed in the presence of three or more Witnesses Declaring the same, any former Law or Usage to the Contrary Notwithstanding.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six hundred, Ninety and Six, all Declarations or Creations of any Trusts, or Confidences of any Lands, Tenements or Hereditaments shall be Manifested and proved by some Writing Signed by the Party who is by Law Enabled to Declare such Trust, or by his Last Will in Writing, or else they shall be utterly Void and of none Effect.

Provided always that where any Conveyance shall be made of any Lands or Tenements by which a Trust or Confidence shall or may arise by Implication or Construction of Law, or to be Transferred or Extinguished by Act or Operation of Law, then and in every such Case, such Trust or Confidence shall be of the like Force and Effect as the same would have been if this Statute had not been made, any thing herein before Contained to the Contrary Notwithstanding.

And be it further Enacted, That all Grants and Assignments of any Trust or Confidence shall likewise be in Writing, Signed by the Party Granting or Assigning the same, or by such Last Will and Devise, or else shall likewise be utterly void and of none Effect.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the Year of Our Lord God,  
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One Thousand, Six Hundred and Ninety Six, it shall and may be Lawfull for Every Sheriff; or other Officer, to Whom any Precept or Writ is or shall be Directed at the Suite of any Person or Persons of, for, and upon any Judgment, Statute or Recognizance hereafter to be made or had, to do, make and deliver Execution unto the Party in that behalf Sueing, of all such Lands, Tenements, Rectories, Tyths, Rents and Hereditaments, as any other Person or Persons be in any manner of Wise Seized or Possessed in Trust for him against Whom Execution is so Sued, like as the Sheriff or other Officer might or ought to have Done if the said Party against Whom Execution hereafter shall be so Sued had been Seized of such Lands, Tenements, Rectories, Tyths, Rents, or other Hereditaments of such Estate as they be Seized of in Trust for him at the time of the said Execution Sued; which Lands, Tenements, Rectories, Tyths, Rents, or other Hereditaments, by Force and Vertue of such Executions shall accordingly be held and Enjoyed, Freed and Discharged from all Incumbrances of such Person or Persons as shall be so Seized or Possessed in Trust for the Person against Whom such Execution shall be Sued : And if any Cestunque Trust hereafter shall Dye leaving a Trust in Fee Simple, to Descend to his Heirs, there and in every such Case such Trust shall be Deemed and Taken, and is hereby Declared to be Assets by Descent, and the Heir shall be lyable to and Chargeable with the Obligation of his Ancestor, for or by Reason of such Assets as fully and amply as he might and ought to have been if the Estate in Law had Descended to him in Possession in like



like Manner as the Trust Descended, any Law, Custom or Usage to the Contrary in any wise Notwithstanding.

Provided alwaies, That no Heir who shall become Chargeable by reason of any Estate or Trust made Assetts in his hands by this Law, shall by reason of any kind of Plea or Confession of the Action, or suffering Judgment by Nient de dire, or any other matter be Chargeable to pay the Condemnation out of his own Estate, but Execution shall be Sued of the whole Estate so made Assetts in his hands, by Descent in whose hands soever it shall come after the Writ purchased in the same manner as it is to be at, and by the Common Law where the Heir at Law Pleading a true Plea Judgment is prayed against him thereupon, any thing in this present Act contained to the contrary, Notwithstanding. And for the Amendment of the Law in the particulars following,

Be it further Enacted, by the Authority aforesaid, That from henceforth any Estate pur autre vie, shall be Deviseable by a Will in Writing, Signed by the party so Devising the same, or by some other person in his presence, and by his express Direction Attested and Subscribed in the presence of the Devisor by three or more Witnesses; and if no such Devise thereof be made, the same shall be Chargeable in the hands of the Heir if it shall come to him by reason of a special Occupancy, as Assetts by Descent, as in Case of Lands in Fee Simple, and in Case there be no special Occupant thereof, it shall go to the Executors or Administrators of the party that had the Estate thereof by Vertue of the Grant, and shall be Assetts in their hands.



Concerning Personal Estates, but that the Prerogative Court of the Arch-Bishop of Armagh, and other Ecclesiastical Courts, and other Courts, having Right to the Probate of such Wills, shall retain the same Right and Power as they had before in every Respect, subject Nevertheless to the Rules and Directions of this Act.



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FINIS.

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